IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14271 of 2005

Between:

D. Damodaram Naidu, S/o. Chengama Naidu, Hindu,
R/o.Eguvakamma Kandriga Gram Panchayat, SR Puram Mandal,
Chittoor District.

..... PETITIONER

AND

1 The Government Of Andhra Pradesh, Rep. By its Principal Secretrary,

Panchyat Raj, And Rural Development (PTS-IV) Dept, Secretariat

Bulidings, Hyderabad.
2 The District Collector, Chittoor.
3 The District Panchayat Officer, Chittoor.
4 The Sarpanch, Eguvakammkandriga,. Gram Panchyat,

Eguvakammakandriga, Village, SR Puram Mandal, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more in the nature of Mandamus, declaring the G.o.R.t.No.378, dated 7/3/2005 of the 1st respondent as being illegal, unjust, void ab-initio and contrary to law, and against to principles of natural justice and fair play and consequently set aside the same, and pass such other order or orders as deemed fit and proper.

Counsel for the Petitioner:MR.P.HEMACHANDRA

Counsel for the Respondents 1 to 3: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the respondent No.4: Mr.K.Upender Reddy

The Court at the stage of admission made the following:

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India, seeking a Mandamus declaring the G.O.Rt.No.378

dated 07-03-2005 issued by the 1st respondent-Government as illegal and arbitrary.

It is stated in the affidavit filed in support of the writ petition that the Village Eguvakamma Kandrika is centrally located facilitating easy access to all the other cluster of villages and also facilitating the administrative convenience being the headquarters. The 2nd respondent-District Collector, Chittoor, passed orders dated 12-12-2002 directing the Sarpanch of the Gram Panchayat to take up construction work for the office building of Eguvakamma Kandrika Gram Panchayat in the centrally located Eguvakamma Kandrika. Questioning the said order, the 4th respondent-Sarpanch, Eguvakamma Kandrika, filed W.P.No.2688 of 2003 before this Court and the same was dismissed. Aggrieved by the same, the 4th respondent-Sarpanch preferred an appeal in W.A.No.2353 of 2003 wherein a Division Bench of this Court disposed of the appeal directing the Government to examine the entire issue and take appropriate decision in the matter in accordance with law in this regard after giving an opportunity to the parties, within a period of eight weeks from the date of receipt of a copy of the order. But the 4th respondent taking advantage of the change in political scenario in the State and in total violation of the orders of this court without notice to him has got issued the impugned G.O.

Heard both sides.

When the writ petition came up for admission, the learned Government Pleader appearing for the respondents submitted that as per the impugned G.O. issued by the Government, the authorities have started construction of the Gram Panchayat building in Diguvakamma Kandrika and further submitted that Eguvakamma Kandrika Gram Panchayat is also running administration from Diguvakamma Kandrika.

I have perused the entire material available on record.

The selection of the location for construction of the Gram Panchayat building by the authorities is a discretionary power, which was purely vested with the Government.

Having regard to the facts and circumstances of the case and in view of the submission made by the learned Government Pleader appearing for the respondents, I do not see any reason to entertain the writ petition since the authorities have already started the construction of the Gram Panchayat Building with the public funds.

Accordingly, the writ petition is dismissed. No costs.

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06-07-2005

Mjl/*

To,

1 The Principal Secretary, Government of Andhra Pradesh, Panchyat

Raj, And Rural Development (PTS-IV) Dept, Secretariat, Bulidings,

Hyderabad.
2 The District Collector, Chittoor.
3 The District Panchayat Officer, Chittoor.
4 The Sarpanch, Eguvakammkandriga,. Gram Panchyat,

Eguvakammakandriga, Village, SR Puram Mandal, Chittoor Dist.

5. 2 CCs toG.P. for Panchayat Raj & Rural Development, High Court

Buildings,Hyderabad.

6. 2 CD copies.